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SENATE

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maximum protection of the public health from air pollutants of any kind. Therefore, I repeat it is essential that we immediately engage in a crash development program to provide technically and economically feasible methods of controlling sulfur emissions from fuels combustion. I welcome the President's support in this matter and I congratulate him for this demonstrable evidence of his desire to secure effective air pollution control without undue economic dislocation. If the chairman of the subcommittee, Senator MUSKIE, were here today, he would fully endorse this position.

There being no objection, the letter was ordered to be printed in the Record, as follows:

DEPARTMENT OF HEALTH, EDUCATION,  
AND WELFARE.

The PRESIDENT,  
U.S. Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: The Air Quality Act of 1967, transmitted to the Congress on January 30, 1967 and now being considered by the Congress, is a matter of highest priority, if we are to continue the battle for clean air. It represents our concern for the serious threat to American health caused by polluted air.

Since the transmittal of the President's Message on "Protecting Our National Heritage," several events have occurred which make it necessary to accelerate the attack on one of the major air contaminants requiring more complete control—sulfur oxide.

The recently published "Air Quality Criteria for Sulfur Oxides," the recommendations of the conferees in the New York-New Jersey abatement action, and other findings and conclusions of prominent scientists, lead us to the inescapable conclusion that we must move more rapidly and effectively in reducing the levels of sulfur now present in the atmosphere over many of our metropolitan areas.

At the same time, it has become obvious that present technology is inadequate to deal fully with all aspects of the sulfur problem.

While it is true that selection of low-sulfur fuels for use in certain critical areas will offer a temporary solution, it is clear that we must substantially accelerate our research and development activities in three major areas: 1) Removal of sulfur from fuels, 2) process removal of sulfur from burning fuels, and 3) control of sulfur gases in the stack. Several promising approaches are available, and more rapid development to full-scale application is necessary.

We have discussed this problem with representatives of the coal and oil industries and with interested Federal agencies. We are all in agreement with the vital importance of an expanded and accelerated research and development program.

I am therefore recommending that the proposed Air Quality Act of 1967 be amended to increase the authorization for the fiscal year ending June 30, 1968, from \$84 million to \$99 million; the additional \$15 million would be made available for research and development in control of sulfur omissions from fuels.

Enclosed is an amendment to the proposed Air Quality Act of 1967 to carry out this recommendation.

We are advised by the Bureau of the Budget that enactment of the Air Quality Act of 1967 with this amendment would be in accord with the program of the President.

Sincerely,

Secretary.

AMENDMENT TO DRAFT BILL, THE AIR QUALITY  
ACT OF 1967

In section 7, strike out "84,000,000" and insert in lieu thereof "99,000,000".

Mr. RANDOLPH. Mr. President, I send to the desk an amendment to amendment No. 154 which I proposed earlier this month as an amendment to S. 780, the Air Quality Act of 1967.

The measure which I now recommend would authorize the Secretary of Health, Education, and Welfare to establish Regional Air Quality Commissions in interstate regions. This measure differs from Section 108 as proposed in S. 780 in three major respects.

First, my proposal would, I believe, provide for more effective local and State participation and thus more cooperation between levels of government.

Second, the proposed amendment would invest the Commission itself with more authority by providing that the Commission rather than the Secretary, would make the final determination regarding the air quality standards of the region.

Third, the proposed amendment substitutes for the cease and desist authority of the Commission which would be authorized by S. 780 the same enforcement procedure that is involved in abatement of interstate pollution in other sections of the Air Quality Act. In the absence of compelling reasons for such an extension of the Federal authority—which reason have not yet been advanced by administration witnesses in our hearings—I feel it is the prudent thing to retain a uniform procedure in all interstate pollution abatement actions.

The PRESIDING OFFICER (Mr. BAYH in the chair). The amendments—Nos. 174 and 175—will be received, referred to the Committee on Public Works, and will be printed.

#### AMENDMENT OF CLEAN AIR ACT— AMENDMENTS

##### AMENDMENT NO. 174

Mr. RANDOLPH submitted an amendment, intended to be proposed by him, to the amendment No. 154, intended to be proposed by himself, to the bill (S. 780) to amend the Clean Air Act to improve and expand the authority to conduct or assist research relating to air pollutants, to assist in the establishment of regional air quality commissions, to authorize establishment of standards applicable to emissions from establishments engaged in certain types of industry, to assist in establishment and maintenance of State programs for annual inspections of automobile emission control devices, and for other purposes, which was referred to the Committee on Public Works and ordered to be printed.

##### AMENDMENT NO. 175

Mr. RANDOLPH (for himself, Mr. MUSKIE, and Mr. COOPER) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 780, supra, which was referred to the Committee on Public Works and ordered to be printed.

#### NOTICE OF HEARING ON NOMINATION OF WILLIAM W. SHERRILL, OF TEXAS, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on

Banking and Currency will hold a hearing on Tuesday, April 25, 1967, on the nomination of William W. Sherrill, of Texas, to be a member of the Board of Governors of the Federal Reserve System.

The hearing will commence at 9:30 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit statements in connection with this nomination should notify Mr. Lewis G. Odom, Jr., staff director, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C., telephone 225-3921.

#### NOTICE OF HEARINGS ON FEDERAL JURY SELECTION BILLS (S. 383, S. 384, S. 385, S. 386, S. 387, S. 989, S. 1319)

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 383, S. 384, S. 385, S. 386, S. 387, S. 989, and S. 1319. These bills would provide improved judicial machinery for the selection of Federal juries.

The hearing will be held at 2 p.m. on Tuesday, May 2, 1967, in the District of Columbia hearing room, room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, room 6306, New Senate Office Building.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 49) to designate April 28-29, 1967, as "Rush-Bagot Agreement Days."

#### ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, and so forth, were ordered to be printed in the Appendix, as follows:

By Mr. MORTON:

Editorial entitled "Shortsighted View of Trade," published in Life magazine of April 7, 1967.

By Mr. MUNDT:

Article entitled "Stubble Mulching Against the Wind," written by Walter N. Parmeter, and published in the magazine Soil Conservation for April 1967.

#### WE MUST NOT FIGHT FIRE WITH FIRE

Mr. McCARTHY. Mr. President, an article by the chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], appeared in the New York Times on Sunday, April 23, 1967. It is a most thoughtful and searching inquiry into the ideological approach of the United States to foreign policy and international involve-

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ent, and I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

# WE MUST NOT FIGHT FIRE WITH FIRE

(By J. W. FULBRIGHT)<sup>1</sup>

Underlying the controversy about the Central Intelligence Agency and its clandestine relationships with private organizations is a larger question about our basic philosophical stand as a nation. Do we, or do we not, subscribe to the great Kantian categorical imperative—of which Prof. Henry Steele Commager recently reminded the Foreign Relations Committee—"Never treat any human being as a means but always as an end," and "So conduct yourself that you might generalize your every action into a universal rule"?

These are ideal rules; few if any men can live up to them fully, but most Americans accept them as standards to which they aspire. They are implicit in our Constitution and in our traditions, both of which put limits on the use of power so as to protect certain rights of the individual. The essential purpose of our system—of federalism, checks and balances and the Bill of Rights—is not efficiency in the use of power but limitations on it, or, to put it another way, the acceptance of that degree of inefficiency in the conduct of government which is essential to protect the individual. At the core of the system is the belief that the human individual is an end, not a means; and that means, in order not to destroy the ends they serve, must be morally compatible with them. If we stand for anything in the world, it is this idea.

Within the last generation our country has been moving away from these values. More and more, we have been treating political philosophy—more exactly, the defense of our own political philosophy and hostility to Communism—as an end in itself, to which, with increasing frequency, it is deemed necessary to subordinate the freedom and dignity of individual men. More and more, in fear of having an ideology in which power is wielded arbitrarily imposed upon us, we have been imposing a degree of arbitrary power upon ourselves, passively if uneasily accepting half-true explanations of necessity, emergency and defense, while the wielders of power reassure us with a perversion of Lord Acton's maxim, something to the effect of: "Power, it is true, corrupts, but I am incorruptible and can be trusted to wield power with voluntary benevolence and restraint."

I do not believe we have been undermining traditional values capriciously or because our leaders have become seized with the lust for power. The decisions which have led us in a direction away from rather than toward the fulfillment of our national values have been made, for the most part, by good and honest men. Good faith, however, is not the same thing as good judgment, and the fact that our policy-makers have not consciously sought to unbalance traditional constitutional relationships, and the traditional values that underlie them, does not mean that they have not, inadvertently, done so. The tremendous pressures imposed upon our policy-makers by the cold war, by the worldwide commitments of the United States and by the permanent, terrifying possibility of the destruction of our country by nuclear weapons have had a corrosive, undermining effect on the very values we are trying to defend.

In an environment of danger and anxiety ends have been confused with means. As Professor Commager said in his testimony before the Foreign Relations Committee:

"The reason we are trying to win the contest with Communism is precisely because we want the triumph of the open mind, the triumph of freedom, the triumph of the unimpeded investigation of every scientific, every moral and philosophical question, and if we corrupt that process at the very outset, we may win the contest with Communism and lose the purpose for which we are contesting."

Prior to the Second World War—despite the use of spies in the Revolution, in the Civil War and in the First World War—our Government had never engaged in large-scale, organized secret intelligence activities. Being believers in popular government, we wanted no part of that sort of thing, and being relatively secure and isolated, we did not have to engage in the kind of intrigues which we associated with the Bad Old World of Europe.

World events and the growth of American power have altered this outlook. Implicit in our rejection of isolationism, however, is something more than an acknowledgment of altered circumstances. There seems also to be an assumption, rooted in a curious contempt for the past, that outmoded practices are bad practices and that changed circumstances are improved circumstances.

In more concrete terms, at some point in the process of acknowledging the necessity for world involvement, for huge military expenditures and far-flung intelligence activities, we seem also to have become persuaded that the taking on of these activities has been a positive good rather than a regrettable necessity. The result of this subtle but extremely significant extension of our attitude toward isolationism is that, in rejecting practices which have become outmoded, we have also gone far, without being very conscious of it, toward rejecting the values in which those practices were rooted.

Trying to make a virtue of necessity, we have come close to regarding our vast military establishment, our worldwide intelligence network and our deep involvement in the affairs of foreign nations as good things in themselves. The very word "isolationism"—or the more commonly heard "neoisolationism"—has become, like "appeasement," a pejorative, a word that is used not to describe but to condemn a point of view.

It has become almost impossible, therefore, to introduce certain salient points into the current discussion, such as that American isolationism was a very wise policy in its time, that it has now become impractical but not necessarily undesirable and, most important of all, that being largely obsolete does not mean that it is entirely obsolete. Indeed, the term "isolationism," insofar as it connotes minding one's own business, still makes a good deal of sense in a good many places. Or, to make the point still another way, the fact that we cannot help being involved in some people's affairs does not mean that we ought to be involved in everybody's affairs.

A whole new intellectual community has arisen in our country, dedicated to the development of an ever more sophisticated global strategy. These scholars have introduced new concepts such as "graduated deterrence," the "balance of terror," "acceptable levels of megadeaths," all measurable with a fine precision by the playing out of "war-game scenarios." It all sounds so fascinating, so modern, so antiseptic that it is easy to forget that what is being talked about, coldly and scientifically, is the prospect of the most hideous carnage in the history of the human race.

Implicit in much of the thinking of the strategic intellectuals is a rejection, indeed a contempt, for traditional values. Federalism, checks and balances and the primacy of domestic civilian pursuits, insofar as they are thought of at all, are thought of as quaint anachronisms. In an age of conflict, the conduct of conflict becomes an end in itself, its needs claiming primacy over the ends for

which it was undertaken. Thus, \$70-billion a year for weapons must have priority over a modest little "war" against poverty; the military obligation of the young must have priority over their education.

It is I believe, this loss of interest in the traditional values of American democracy that has alienated so many of our youngest generation. Still believing in Jeffersonian principles, they have sensed and are deeply offended by their elders' reversal of ends and means. Underlying their protest and dissent, even when it takes extravagant forms, is the belief in the individual as an end not a means. And as the gap between practice and traditional values widens, so does the gap between generations, generating in the young that terrible feeling of inability to make their ideas and convictions understood—a feeling which is not just an affliction of youth but of moralists in an unbelieving age.

The American people are not given to half-hearted undertakings. Whatever the undertaking, even if it is something we do not especially need, we want the biggest, the best and the most of it—and we usually succeed. So it was with industrial and agricultural development and the exuberance of our effort has made us the richest nation in the world. And so it has been with war: Starting as an "example" for the world, a nation which, in President Wilson's phrase, was "too proud to fight," we have become the foremost fighter of the 20th century, the architect of victory in two world wars, the inventor and thus far the only user of the atomic bomb, and we are now participating in our fourth major war of this century.

So also has it been with the craft of intelligence. Prior to the Second World War American intelligence was amateurish and inadequate. Now, in keeping with our tendency to throw ourselves into things with a certain extravagance, we have, with due respect to the Russians, what is probably the most powerful and extensive intelligence network in the world. So extensive have the secret operations of the C.I.A. become all over the world that in 1963 former President Truman, who had created the C.I.A. 16 years before, wrote: "For some time I have been disturbed by the way the C.I.A. has been diverted from its original assignment. It has become an operational and at times a policy-making arm of the Government. . . ."

The crucible in which this vast secret apparatus was formed was the cold war. Emerging from the greatest war in history with a total victory that we expected to be followed by a new, civilized world order under the aegis of the United Nations, we Americans were shocked and disillusioned by Stalinist Russia's betrayal of its wartime agreements, as a result of which we found ourselves plunged into a bitter new struggle characterized by penetration, subversion, ideological propaganda and externally supported civil war. We were, there is no doubt, cruelly betrayed.

We decided thereupon, as Allen Dulles once explained, to "fight fire with fire." Through the Truman Doctrine, the Marshall Plan and the NATO treaty we saved Western and Southern Europe from what may or may not have been but was plausibly feared at the time to be a Stalinist design for the conquest of Europe. (These enlightened policies might accurately be characterized as fighting fire not with fire but with water.)

Beyond them, however, we mastered and practiced the techniques of the enemy. To a degree that is only just becoming known to the American people, we learned how to plant spies; we learned how to penetrate, subvert and overthrow foreign governments, and, most astonishing of all, we even developed a network of secret agents within our own society. As so often in the past, we have proved ourselves to be more than a match for an enemy in fighting him with his own weapons; we have indeed fought

<sup>1</sup> J. W. Fulbright (D., Ark.) heads the Senate Foreign Relations Committee.

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fire with fire and the flames have spread farther than anyone could have expected. And now the question must be asked: What is the difference between one kind of fire and another, between Communist fire and American fire?

All this was done under the authorization of two unprecedented pieces of legislation, the National Security Act of 1947, which created and defined, very broadly, the intelligence and "other functions" of the C.I.A., and the Central Intelligence Agency Act of 1949, which exempted the C.I.A. from the disclosure provisions regarding personnel which apply to other Government agencies and vested in the Director of Central Intelligence the power to spend money "without regard to the provisions of law and regulations relating to the expenditure of public funds."

So sweeping a grant of power is not in keeping with our traditions; one might even call it "un-American." The fact that it was enacted for the sole and express purpose of defending American traditions in the cold war does not alter the fact, as Thomas Jefferson noted in 1819, that "whatever power in any government is independent, is absolute also."

What matters about the recent disclosures concerning the C.I.A., and its relations with private organizations such as the National Student Association, is not the individuals involved or allegations about their "guilt" or "innocence," but the ideas and values involved and the standing of those ideas and values in present-day America.

The fair evaluation of any human act requires that due account be taken of the time and circumstances in which the act took place. I believe that if I had been a student leader in the late nineteen forties or early fifties, and if an apparently important Government official had approached me confidentially and told me that I had a unique opportunity to perform a patriotic duty by accepting funds from a secret Government source in order to have something done that I thought needed to be done anyway, I would have found it difficult indeed to turn such a proposal down.

I would have found it difficult because in those early days of the cold war, when Russia was still ruled by Stalin, Communism seemed clearly to be an extremely menacing aggressive force, one which used student meetings as one of many instruments in a centrally directed design for conquest. I would also have found it difficult to turn the proposal down because of my confidence in the democratic purposes of my Government and, in addition, being inexperienced, I would hardly have felt qualified to challenge the view of an apparently important Government representative on a matter of national security. Only from the perspective of the mid-sixties, when Communism is no longer a centrally directed international conspiracy, and when, for good reason, we have learned to be skeptical about some of the things our Government says and does, does it seem clear that the leaders of the National Student Association would have been well-advised to refuse, any association with the C.I.A.

It is more difficult to understand why succeeding leaders of the N.S.A. maintained the secret association through the fifties and into the sixties, and it is more difficult still to understand why labor unions, leading universities and supposedly philanthropic, tax-exempt foundations undertook extensive, secret functions on behalf of the C.I.A. Clearly, all of the private individuals and Government officials involved knew—or should have known—that what they were doing was inconsistent with democratic principles of free inquiry and representative government. The most plausible explanation is that those who infringed on these principles did so in the conviction that they were discharging a higher patriotic duty, that, in making exceptions to democratic procedure, they were helping to defend democracy.

This viewpoint is not without merit. There are times when it is necessary to violate principle for the sake of principle; it is done upon occasion in the Senate, by honest and principled men. The danger, of course, is that expediency, like alcohol and tobacco, easily becomes a habit.

That, I believe, is what happened in the case of the C.I.A. and its clandestine associates: Exceptional behavior became conventional behavior. The clear evidence of that transition's having been made is the apparent equanimity with which most Americans have accepted the recent disclosures. I have talked to a number of people in recent weeks who have said that they favor what the C.I.A. and its private affiliates have been doing, that these organizations, after all, have been fighting against Communism and that, therefore, they regret only that it has all been spoiled by public disclosure.

Conflict is a great leveler. The longer it goes on, the more indiscriminating people become in their choice of weapons; the more they find it necessary to set aside principle for the sake of principle; the more, therefore, antagonists come to resemble each other. It is for this reason that "fighting fire with fire" is not only bad morals but bad policy as well: It tends to undermine the very purpose for which it was undertaken. It has not yet, thank God, made us a police state, but it has brought us closer to it and, what is even more alarming, to greater public acceptance of certain practices associated with a police state—secret policy making, unchecked executive power, subversion of foreign Governments, bugging and spying and wiretapping against our own people—than we have ever been in our history. All this, let it be stated again, is being done for the express purpose of defending ourselves against an enemy who is our enemy precisely because he engages in all of these practices.

The problem could be easily resolved, at least in principle, if we could simply lay down a rule that the end never justifies the means, that our policy must always be open and honest and made in accordance with constitutional procedure. The trouble is that that is probably not possible; there are times of supreme emergency, involving matters which are literally matters of life and death—for example, the missile crisis of 1962—when the President must act decisively, immediately and secretly. We are compelled, therefore, to lay down a qualified rule, a rule to the effect that the end almost never justifies the means, that our policy must almost always be open and honest and made in accordance with constitutional procedures.

Such a rule leaves room for human judgment and, with it, for human error. That is unfortunate but it need not be fatal. The American constitutional system has never functioned automatically; it has always depended for its successful functioning on a degree of voluntary restraint on the part of each of the three branches of the Government in the exercise of their respective powers.

The principal significance of the C.I.A. disclosures is the indication of a lack of restraint on the part of the executive in the conduct of foreign relations and the passive acceptance of unchecked executive power by the Congress and a large portion, probably a majority, of the public. If we are to restore that restraint in the exercise of power without which our constitutional system cannot function, we must begin by a candid recognition of the extent to which we have resorted to expediency in our rivalry with the Communist countries.

The association between the C.I.A. and the National Student Association was a clear case of cold-war expediency. It was obvious by the late nineteen-forties that the Russians were using international student meetings and youth festivals as occasions for cold-war propaganda and for efforts to influence the uncommitted. It was obviously desirable

and it remains desirable, for American students to participate in such meetings in order to make a case for—but even more important, to set an example of—freedom of thought and expression.

But while American participation in international student meetings is desirable, it is not essential. I may be missing something somewhere but I have the very strong feeling that international youth congresses and festivals are not nearly as important as the N.S.A. and its C.I.A. benefactor have thought. Since it has always been unlikely that either Russian Communists or American democrats could convert the other, presumably the importance of these meetings has been the opportunity which they offered to sway the minds of the uncommitted. It seems to me that the minds of the uncommitted would have had to be fairly feeble to be permanently won over to one ideology or the other by flattery, oratory and hoopla in the course of a youth congress.

The thought presents itself that the people the young Soviet and American activists were flattering were themselves. I have the further strong feeling that the kind of student exchange that has real significance, the kind that deeply and permanently influences the minds of the young, is the kind that brings students to a foreign country for a year or more of study, the kind that takes place in classrooms and libraries and international living centers, the kind that very seldom makes the news.

Even if it be granted, however, that there is real value in the participation of young Americans in international student meetings, by no stretch of the imagination can these be regarded as the kind of life-and-death matter which might, on rare occasion, justify the circumvention of democratic procedure. And yet that is exactly what the C.I.A., with the full approval of its political superiors, did. By secretly financing the international operations of the N.S.A., it usurped the constitutional authority of the Congress to authorize and appropriate public funds—the spirit, that is, if not exactly the letter of that constitutional authority, in light of the extraordinary financial powers given to the C.I.A. by the Central Intelligence Agency Act of 1949.

The C.I.A. affair is only the most recent manifestation in a long-term trend toward executive predominance in foreign policy. The source of this trend is crisis. In the past 25 years American foreign policy has encountered a shattering series of crises and inevitably, or almost inevitably, the effort to cope with these has been executive effort, while the Congress, inspired by patriotism, importuned by Presidents and deterred by lack of information, has tended to fall in line behind the executive. The result has been an unhinging of traditional constitutional relationships; the Senate's constitutional powers of advice and consent have atrophied into what is widely regarded as, though never asserted to be, a duty to give prompt consent with a minimum of advice.

It is worth recalling a few of the landmarks along the road to virtually unchecked executive predominance in foreign policy:

In 1940, President Roosevelt made his destroyer deal with Great Britain by executive agreement even though it was a commitment of great consequence and a clear violation of the international law of neutrality, so much so that Sir Winston Churchill later wrote that it had given Germany the legal right to declare war on the United States. It was, however, an emergency and Congress did not protest.

In 1950, President Truman committed the United States to war in Korea without the authority of Congress. The war was said to be a United Nations police action and therefore not a war in the traditional sense. In addition, it was contended that, because the police action was limited, a declaration of war would be awkward, possibly leading to the expansion of the conflict, and finally, it

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was contended that the President had the power to take the country into war under his authority as Commander in Chief and under the inherent authority of the Presidency. Finding these arguments persuasive, the Congress did not protest until the war settled into a stalemate and the opposition party saw the opportunity to make an election issue of it.

In recent years, Congress has exercised no more than a ceremonial role in decisions to commit American armed forces overseas. This role has consisted in the adoption of sweeping resolutions, perfunctorily debated and hastily enacted under conditions of extreme urgency, under circumstances in which any extended debate or deliberation would have been considered a sign of domestic dissension in the face of a foreign enemy and, therefore, unpatriotic. The resolutions concerning Taiwan, the Middle East and the Gulf of Tonkin were submitted to the Congress for the purpose of avoiding internal controversy of the kind President Truman encountered over the Korean war—that is to say, for the executive's convenience and not because any of the Presidents concerned regarded himself as lacking the authority to commit American forces abroad. In adopting each of these resolutions, Congress abdicated its constitutional authority over the decision to declare war.

It is argued by certain political scientists that the authority of Congress to declare war has become obsolete in the nuclear age and has passed into the hands of the executive. But this should not alarm us unduly, they say, because the check and balance formerly provided by the Congress are now provided by diversities within the executive branch.

"This," in the words of the distinguished historian Ruhl J. Bartlett, "is an argument scarcely worthy of small boys, for the issue is not one of advice or influence. It is question of power, the authority to say that something shall or shall not be done. If the President is restrained only by those whom he appoints and who hold their positions at his pleasure, there is no check at all. What has happened to all intents and purposes, although not in form and words, is the assumption by all recent Presidents that their constitutional right to conduct foreign relations and to advise the Congress with respect to foreign policy shall be interpreted as the right to control foreign relations."

How can the constitutional imbalance be redressed? I strongly believe that the Congress should undertake to revive and strengthen the deliberative function which it has permitted to atrophy in the course of 25 years of crisis. Acting on the premise that dissent is not disloyalty, that a true consensus is shaped by airing differences rather than by suppressing them, the Senate should again become, as it used to be, an institution in which the great issues of American politics are contested with thoroughness, energy and candor. Nor should the Senate allow itself to be too easily swayed by executive pleas for urgency and unanimity, or by allegations of "aid and comfort" to the enemies of the United States made by officials whose concern with such matters may have something to do with a distaste for criticism directed at themselves.

It is sometimes useful and occasionally necessary for Congress to express prompt and emphatic support for the President on some matter of foreign relations. It seems to me, however, that we have gone too far in this respect, to the point of confusing Presidential convenience with the national interest. It is perfectly natural for the President, pressed as he is to make decisions and take action in foreign relations, to overemphasize the desirability of promptness and unanimity. But the Senate has its own responsibilities, and however strongly feelings of patriotism may incline it to comply with the President's wishes, a higher patriotism requires it to fulfill its constitutional obligation.

As part of a broader effort to redress the constitutional imbalance in foreign policy the C.I.A. should be brought under effective Congressional oversight. The technical means by which this is accomplished is not of critical importance. What is wanted is the will and determination of Congress to place checks on the power of the intelligence establishment and to make it truly accountable.

The dilemma posed by the C.I.A. is that, while we cannot do without secret intelligence activities in a world of armed powers, these activities can never wholly be reconciled with the values of our free society. Under the pressures of the cold war we have gone far indeed toward permitting the intelligence agency, and the executive in general, to exercise unrestrained powers over our foreign relations and, to an alarming degree, over important areas of our domestic life as well. So far has this trend advanced, that the values of our society are now endangered by the means invented for their defense. That is the core of our dilemma: As long as we adhere to these values—and particularly to the Kantian imperative that a man must always be treated as an end and not as a means—we cannot give ourselves over to the fighting of "fire with fire" without jeopardizing the very values we are resolved to defend.

Whatever we do to try to resolve this dilemma, whatever we do to defend our national values, we ought never to forget that the foremost safeguard of these values is the American Constitution. It can be changed, when it is found wanting, by the means designated in the Constitution itself. But, in the words of Washington's great address: "Let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."

#### WATER AND AIR POLLUTION MUST BE ABATED WITHOUT DELAY

Mr. YOUNG of Ohio. Mr. President, one of the most pressing domestic problems confronting Americans is pollution of the air and pollution of our lakes and rivers.

The distinguished junior Senator from Wisconsin [Mr. NELSON], former Governor of Wisconsin, has offered most meritorious and greatly needed legislative proposals to conquer pollution of water and air. His proposals include giving industry in all our States tax benefits to spur efforts of management to end air pollution by factory smoke and water pollution by industrial wastes.

Scientists have estimated that air pollution alone resulted in nearly \$12 billion damage last year and will cause that much or even greater damage this year. Air pollution blights pine trees, kills orchards, is ruinous to grapevines, corrodes metals, weakens fabrics, discolors paints, etches glass, cracks rubber, and spreads its filth over everything. The injury to health and the shortening of lives of millions of Americans cannot be calculated. We have observed snow blackened by soot and housewives' wash on the line stained with filth from factories.

Instead of wasting \$40 billion as our warlike generals are urging by surrounding 50 American cities with anti-missile missiles it would be far better to spend \$12 billion to end air and water pollution.

Ohioans surely recognize the impor-

tance of overcoming water and air pollution, perhaps even more than residents of other States. Nowhere is the tragedy of pollution and destruction more evident than in Lake Erie, a 250 mile-long and 60 mile-wide sea which is sick and dying. Within a few years, Lake Erie, already one of the world's largest cesspools, will be unable to support almost any form of marine life. Man has taken a sparkling blue lake extending from Michigan to New York State and north-erly to the Canadian shore, and turned it into a primeval swamp.

In the 2,600-square-mile heart of the lake, all the oxygen is gone, all the fish and other desirable aquatic life are dead; and the only survivors are bloodworms, sludgeworms, and bloodsuckers.

If the tragedy of Lake Erie is repeated in the other Great Lakes—as it well may be—the great industrial cities of America would be the victims of the greatest natural resource disaster in modern times.

Every day the problem intensifies as relentless flows of industrial waste, inadequately treated sewage, and other obnoxious contaminants pour into the world's largest fresh water source. The economic well-being of more than 25 million people living in the eight States bordering the Great Lakes is seriously threatened.

No longer may fishing enthusiasts enjoy productive excursions to many favorite lake areas, for polluted waters have caused many species of fish to die and disappear altogether from the lake. Today only one high-quality fish, the perch, is abundant and the total number of perch has been decreasing in recent years.

The commercial fishing industry on Lake Erie has been greatly curtailed by excessive contamination. During recent years five species of fish have been eliminated from the lake. During the past decade the total catch from the U.S. waters of Lake Erie has declined 45 percent. The loss in terms of dollar return is staggering.

More than 2,600 square miles of Lake Erie's center is already dead and unable to support desirable forms of animal life. Obnoxious plant growth which cannot be seen without the aid of a microscope in healthy waters abound throughout the lake in 50-foot lengths clogging municipal water intake valves and discoloring the precious drinking water of thousands of Ohio citizens. Much of it finds its way ashore to rot on the beaches.

Mr. President, much more must be done to prevent the destruction of our great inland water system. The Federal Government must help the States clean up polluted rivers and lakes by providing the money necessary for the construction of adequate sewage treatment plants. More money is needed for research to discover ways of controlling the discharge of pollutants into our rivers and lakes and to find ways of reclaiming pollution-burdened waters. Industry discharges twice the amount of waste into our water as do all of our cities combined. Industrialists must be encouraged or directed to construct abatement facilities. Also, we must be